

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION</b>	)	<b>MDL 2804</b>
	)	<b>Case No. 1:17-md-2804</b>
<b>THIS DOCUMENT RELATES TO:</b>	)	
	)	<b>Judge Dan Aaron Polster</b>
<i>Cobb County v. Purdue Pharma L.P.,</i>	)	
Case no. 18-OP-45817	)	<b><u>SCHEDULING ORDER</u></b>
<i>“Track 8”</i>	)	

On April 26, 2024, plaintiff Cobb County served on defendant Publix a motion for partial summary judgment several months ahead of the deadline for dispositive motions set by this Court’s Track 8 Case Management Order (“CMO”). On May 2, 2024, the Court issued a separate briefing schedule for Cobb County’s early filed motion. Docket no. 5426. On May 20, 20224, Publix filed a motion asking the Court to reconsider its briefing schedule. Docket no. 5444. Cobb County filed a response. Docket no. 5462.

Publix asserts that the Court’s earlier deadlines would prejudicially shorten its time to incorporate expert testimony into its response. Publix asks the Court to either reinstate the response and reply deadlines provided for in the Track 8 CMO, or alternatively, to set the deadline to August 9, 2024, to coincide with the CMO deadline for filing *Daubert* and dispositive motions.

The Court concludes that Publix’s suggestion to set the deadline to August 9, 2024, strikes a fair balance between efficiently adjudicating plaintiff’s motion for partial summary judgment and allowing Publix to adequately prepare its response.

Accordingly, the Court hereby sets the following deadlines. Publix will file a response brief to Cobb County's motion for partial summary judgment on or before noon on August 9, 2024, and plaintiff will file a reply brief on or before noon on August 30, 2024.

**IT IS SO ORDERED.**

/s/ Dan Aaron Polster May 24, 2024  
**DAN AARON POLSTER**  
**UNITED STATES DISTRICT JUDGE**